

REMARKS

In response to the Office Action, dated July 27, 2005, Applicants have modified the independent claims in this Amendment. Replacement drawing sheets accompany this amendment.

Additionally, Applicants respectfully request reconsideration of the prior art rejections set forth by the Examiner under 35 U.S.C. §§ 102 and 103. Applicants submit that the references of record whether considered alone or in combination fail to either teach or suggest Applicants' presently claimed invention.

Applicants have modified all the independent claims to require the selection of at least one of a plurality of objects stored at a user's location to generate an interactive 3-D EPG. U.S. Patent No. 5,745,710 to Clanton does not teach about the ability to select at least one of a plurality of objects stored at a user's location to generate an interactive 3-D EPG. Clanton streams and provides digitized movies and other such programming which is requested by a user within the provided user interface, a studio back lot metaphor.

The CAFC held in *Teleflex, Inc. v. KSR Int'l Co.*, (applicant acknowledges that the opinion is nonprecedential), there to be a requirement that the prior art contain a suggestion to combine. *Teleflex, Inc. v. KSR Int'l Co.*, 119 Fed. Appx. 282; 2005 U.S. App. LEXIS 176. This and other patent law clearly show that it would be improper to assert that the presently claimed invention is obvious based upon the cited IBM disclosure and U.S. Patent No. 6,005,601 to Ohkura *et al.* references. The law is clear: combinations of existing elements are nonobvious, and therefore are patentable, unless some specific "teaching, suggestion, or motivation" to combine those elements is found in the cited references. Neither one of the presently cited 35 USC 103 references contain a suggestion to combine. In addition,

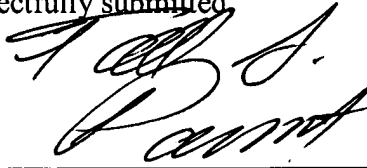
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"[C]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability, the essence of hindsight." In re Dembiczak, 50 USPQ2d, 1614, 1617 (1999). The applicant's respectfully submit that there is no specific "teaching, suggestion, or motivation" to combine any elements in the cited references (U.S. Patent No. 5,747,710 to Clanton and U.S. Patent No. 5,850,218 to LaJoie).

Applicants respectfully submit that all claims now stand in condition for allowance.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1794.

Respectfully submitted,



Date:

26 Jan 06

(Reg. # 26,494)

Todd S. Parkhurst

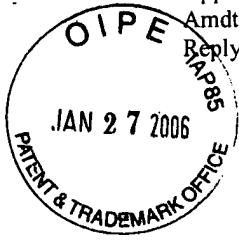
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Patent Agent

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